

HILL RIVKINS & HAYDEN LLP  
Attorneys for Defendant  
Lafarge North America, Inc.  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
THE NORTHERN ASSURANCE COMPANY  
OF AMERICA and AMERICAN HOME  
ASSURANCE COMPANY,

Plaintiffs,

- against -

LAFARGE NORTH AMERICA, INC. and  
AMERICAN STEAMSHIP OWNERS  
MUTUAL PROTECTION AND  
INDEMNITY ASSOCIATION, INC.,

Defendants.

Index No.:  
08 CV 03289 (CSH)

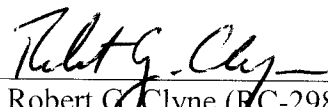
**NOTICE OF  
CROSS-MOTION**

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PLEASE TAKE NOTICE that the defendant, LAFARGE NORTH AMERICA, INC., by its attorneys, Hill Rivkins & Hayden LLP, hereby cross moves before the Honorable Charles S. Haight, Jr., United States District Judge, Southern District of New York, 500 Pearl Street, New York, New York, 10007, at a time and place to be determined by the Court, for an order pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12 (b)(6) and 28 U.S.C. § 2201(a), dismissing the declaratory complaint of the plaintiffs, The Northern Assurance Co. of America and American Home Assurance Co., and for such other and further relief this Court deems just and proper. In support of this motion, the defendant will rely on the accompanying Declaration of Robert G. Clyne,

Esq., the exhibits attached thereto, the accompanying Memorandum of Law, the pleadings in this matter, and the pleadings in the related actions of *American Steamship Owners Mutual Protection and Indemnity Ass'n, Inc. v. Lafarge North America Inc.*, 06 CV 3123 (CSH), and *New York Marine and General Ins. Co. v. Lafarge North America Inc.*, 05 CV 9612 (CSH).

Dated: New York, New York  
June 5, 2008

HILL RIVKINS & HAYDEN LLP  
Attorneys for Defendant  
Lafarge North America Inc.

By:   
Robert G. Clyne (EC-2987)  
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